

ervation, Livingston, Texas, The Waco State Home, Waco, Texas, The State Orphans Home, Corsicana, Texas, The School for the Cerebral Palsied and all other institutions heretofore or hereafter referred to as "eleemosynary institutions" or "hospitals and special schools" except the Gatesville State School for Boys, Gatesville, Texas, Gainesville State School for Girls, Gainesville, Texas, and Brady State School for Negro Girls, Brady, Texas.

All personal and real property now used or owned by the Board for Texas State Hospitals and Special Schools for administration of any of the institutions named herein is hereby transferred to the Board for Texas State Hospitals and Special Schools as created by this Act.

The Board shall submit nominations to the Board of Control for a Hospitals and Special Schools Director, together with all Department Heads necessary to maintain and operate the institutions as set forth in this Act and as provided for in the program instituted by the Texas State Board of Hospitals and Special Schools herein created. The Hospitals and Special Schools Director shall receive a salary of not to exceed Ten Thousand (\$10,000) per annum and shall possess qualifications and training which suit him to manage the affairs of a modern system of State Hospitals and Special Schools, and it shall be his duty to carry out the policies of the Board in the management and control of the institutions under said Board. The Hospitals and Special Schools Director shall give bond in the sum of Fifty Thousand Dollars (\$50,000) payable to the State of Texas conditioned upon the faithful performance of his duties.

The Board of Texas State Hospitals and Special Schools shall submit nominations of Department Heads, along with explanation of their duties and salary schedules, and the policies and programs as determined by the Board of Texas State Hospitals and Special Schools to the Board of Control for their approval. In the event any nomination or policy so submitted does not meet the approval of the Board of Control, the Texas State Board of Hospitals and Special Schools shall submit further nominations to the Board of Control for their approval; it being understood that the power of nomination of the Department Heads shall be vested in the Texas State Board of Hospitals

and Special Schools, subject to the approval of the Board of Control.

In order to coordinate the policies and program of the Board of Control as provided for in this Act and the Board for Texas State Hospitals and Special Schools as provided for in this Act, there shall be joint meetings of these Boards at least once every ninety (90) days in order to determine and define the policies to provide the best care possible for the wards of the state who are patients in the Texas State Hospitals and Special Schools.

TYNAN
HARDEMAN

(Senator Aikin in Chair.)

Question—Shall the amendment by Senator Tynan be adopted.

Adjournment

On motion of Senator Weinert and by unanimous consent, the Senate at 1:30 o'clock p. m. adjourned until 10:30 o'clock a. m. tomorrow.

FORTY-FOURTH DAY

(Wednesday, March 28, 1951)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

| | |
|-------------------|-------------|
| Aikin | Lock |
| Ashley | Martin |
| Bell | McDonald |
| Bracewell | Moffett |
| Bullock | Moore |
| Carney | Nokes |
| Carter | Parkhouse |
| Colson | Phillips |
| Corbin | Shofner |
| Hardeman | Strauss |
| Hazlewood | Tynan |
| Hudson | Vick |
| Kelley of Hidalgo | Wagonseller |
| Kelly of Tarrant | Weinert |
| Lane | |

Absent—Excused

Fuller Russell

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of

the Journal of the proceedings of yesterday, was dispensed with and the Journal was approved.

Leaves of Absence

Senator Fuller was granted leave of absence for today and the remainder of the week on account of important business on motion of Senator Martin.

Senator Russell was granted leave of absence for today on account of important business on motion of Senator Strauss.

Reports of Standing Committees

Senator Shofner submitted the following reports:

Austin, Texas,
March 28, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred S. B. No. 314, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SHOFNER, Chairman

Austin, Texas,
March 28, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred H. B. No. 342, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SHOFNER, Chairman

Austin, Texas,
March 28, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred S. B. No. 244, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

SHOFNER, Chairman

Senator Bell submitted the following report:

Austin, Texas,
March 27, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred H. B. No. 43, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BELL, Chairman

Senator Tynan submitted the following reports:

Austin, Texas,
March 28, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred H. B. No. 365, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

TYNAN, Chairman

Austin, Texas,
March 28, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred S. B. No. 191, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass and be not printed.

TYNAN, Chairman

Austin, Texas,
March 28, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred H. B. No. 245, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

TYNAN, Chairman

Austin, Texas,
March 28, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred H. B. No. 243, have had the same under consideration, and I am instructed to

report it back to the Senate with the recommendation that it do pass and be printed.

TYNAN, Chairman

Austin, Texas,
March 28, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred H. B. No. 134, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

TYNAN, Chairman

Austin, Texas,
March 28, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred H. B. No. 244, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

TYNAN, Chairman

Senator Hazlewood submitted the following reports:

Austin, Texas,
March 27, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 312, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendment, and be printed.

HAZLEWOOD, Chairman

Austin, Texas,
March 27, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 384, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HAZLEWOOD, Chairman

Austin, Texas,
March 27, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil

Jurisprudence, to whom was referred H. C. R. No. 43, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed but not otherwise printed.

HAZLEWOOD, Chairman

Senate Bill 395 on First Reading

Senator Hudson moved that Senate Rule 114, and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

| | |
|------------------|-------------|
| Aikin | Lane |
| Ashley | Lock |
| Bell | Martin |
| Bracewell | McDonald |
| Bullock | Moffett |
| Carney | Moore |
| Carter | Nokes |
| Colson | Shofner |
| Corbin | Strauss |
| Hardeman | Tynan |
| Hazlewood | Vick |
| Hudson | Wagonseller |
| Kelly of Tarrant | Weinert |

Absent

Kelley of Hidalgo Phillips
Parkhouse

Absent—Excused

Fuller Russell

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Hudson:

S. B. No. 395, A bill to be entitled "An Act amending Subsection (4) of Section 23a, of Article I, of the Texas Liquor Control Act, as amended, so as to provide that any person may bring into this State from any other State not more than one quart of liquor for his own personal use if the required State tax thereon is paid and stamp affixed; and prohibiting any person from importing or bringing in or causing to be brought in any liquor from without the United States unless he is the holder of a permit authorizing him to do so, and declaring an emergency."

To Committee on Criminal Jurisprudence.

Senate Bill 396 on First Reading

Senator Tynan moved that Senate Rule 114, and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

| | |
|-------------------|-------------|
| Aikin | Lane |
| Ashley | Lock |
| Bell | Martin |
| Bracewell | McDonald |
| Bullock | Moffett |
| Carney | Moore |
| Carter | Nokes |
| Colson | Parkhouse |
| Corbin | Shofner |
| Hardeman | Strauss |
| Hazlewood | Tynan |
| Hudson | Vick |
| Kelley of Hidalgo | Wagonseller |
| Kelly of Tarrant | Weinert |

Absent

Phillips

Absent—Excused

Fuller

Russell

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Tynan:

S. B. No. 396, A bill to be entitled "An Act amending Section 4 of Chapter 501, General and Special Laws, Regular Session, Forty-fifth Legislature, 1937, as last amended by Section 1 of Chapter 415, General and Special Laws, Regular Session, Fifty-first Legislature, 1949, and Article 753, Penal Code of Texas, 1925, as last amended by Section 5 of Chapter 340, General and Special Laws, Regular Session, Forty-eighth Legislature, 1943, repealing all laws or parts of laws in conflict, providing for severance in case of unconstitutionality and declaring an emergency."

To Committee on Public Health.

Senate Bill 397 on First Reading

Senator Bell moved that Senate Rule 114, and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—27

| | |
|-------------------|-------------|
| Aikin | Lane |
| Ashley | Lock |
| Bell | Martin |
| Bracewell | McDonald |
| Bullock | Moffett |
| Carney | Moore |
| Carter | Nokes |
| Colson | Parkhouse |
| Corbin | Shofner |
| Hardeman | Strauss |
| Hazlewood | Tynan |
| Hudson | Vick |
| Kelley of Hidalgo | Wagonseller |
| Kelly of Tarrant | |

Nays—1

Weinert

Absent

Phillips

Absent—Excused

Fuller

Russell

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Bell:

S. B. No. 397, A bill to be entitled "An Act to amend Senate Bill No. 361, Acts of 1947, 50th Legislature, Chapter 226, page 398, (Article 5891-c Revised Civil Statutes of Texas) by amending Sections 1, 2, 3, 4, and 7 thereof, and by adding Sections 5(a) and 5(b) thereto, providing for a more efficient Texas State Guard Reserve Corps as a reservoir of military strength for use by the State of Texas in time of National or State emergency; organization of units; qualifications of members; activation of elements as a part of the State Militia with the rights, privileges, duties, functions, and authority conferred and imposed upon the State Militia; an Advisory Board, the appointment, qualifications, and tenure of members thereof; retirement of personnel to the Honorary Reserve; command and administration regulations; discretionary financial assistance from counties and municipalities; leaves of absence with pay for state, county, and municipality officers and employees for active duty or inactive duty training; repealing all laws in conflict; providing a saving clause; and declaring an emergency."

To Committee on State Affairs.

Senate Resolution 123

Senator Colson offered the following resolution:

Whereas, We have with us a handsome young man who is superbly qualified to hold the honored position of Mascot of the Senate of the Fifty-second Legislature; and

Whereas, This outstanding young man is Robert Jackson Nokes, son of our distinguished colleague, the Honorable George O. Nokes, Jr., and Mrs. Nokes of Corsicana, Texas; and

Whereas, It is the desire of this Body to so honor this attractive young man who was born on August 4, 1950; now, therefore, be it

Resolved, That as an evidence of our admiration and love, we herewith designate him, Robert Jackson Nokes, as Mascot of the Senate of the Fifty-second Legislature; and be it further

Resolved, That his picture be placed on the picture panel as Mascot of the Senate and that a copy of this resolution be sent to him with all good wishes for his health and happiness during his tenure of this honored position.

The resolution was read and was adopted.

Presentation of Guest

Senator Bracewell presented the Honorable F. M. Law of Houston, Texas, as a guest of the Senate. Mr. Law was welcomed and extended the privileges of the Senate floor today.

House Bill 36 on Second Reading

Senator Kelley of Hidalgo asked unanimous consent to suspend the regular order of business and that H. B. No. 36 be laid out for consideration at this time.

There was objection.

Senator Kelley of Hidalgo then moved to suspend the regular order of business and that H. B. No. 36 be laid out for consideration at this time.

The motion prevailed by the following vote:

Yeas—25

| | |
|-----------|-----------|
| Aikin | Carter |
| Bell | Colson |
| Bracewell | Corbin |
| Bullock | Hardeman |
| Carney | Hazlewood |

| | |
|-------------------|-------------|
| Hudson | Parkhouse |
| Kelley of Hidalgo | Phillips |
| Lane | Shofner |
| Lock | Strauss |
| Martin | Tynan |
| McDonald | Wagonseller |
| Moffett | Weinert |
| Moore | |

Nays—2

Nokes Vick

Absent

Ashley Kelly of Tarrant

Absent—Excused

Fuller Russell

The President laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 36, A bill to be entitled "An Act to amend Sections 6, 9, 14, 15 and 16 of Chapter 93, Acts of the Regular Session, Fifty-first Legislature, which creates the Texas Citrus Commission. Such amendments change Subsection (2) of said Section 9 and add to Section 9 two new subsections numbered (8) and (9) and provide methods for the better enforcement of said Act and the rules and regulations issued thereunder; and declaring an emergency."

The bill was read second time.

Senator Hudson offered the following amendment to the bill:

Amend H. B. No. 36 by adding the words "for hire" immediately following the word "deliver" in line 56 of the printed bill.

The amendment was adopted.

Senator Hudson offered the following amendment to the bill:

Amend H. B. No. 36, line 21, by striking therefrom, beginning after the word "shall," the following "lie in the courts of competent jurisdiction in the county where the executive offices thereof may from time to time be established," and substitute therefor the following "according to the General Laws of the State of Texas relating to venue."

Senator Kelley of Hidalgo moved to table the amendment.

The motion to table was lost by the following vote:

Yeas—12

| | |
|-----------|-------------------|
| Bracewell | Kelley of Hidalgo |
| Carney | Moffett |
| Carter | Parkhouse |
| Colson | Phillips |
| Corbin | Strauss |
| Hazlewood | Wagonseller |

Nays—15

| | |
|------------------|----------|
| Aikin | Martin |
| Ashley | McDonald |
| Bullock | Nokes |
| Hardeman | Shofner |
| Hudson | Tynan |
| Kelly of Tarrant | Vick |
| Lane | Weinert |
| Lock | |

Absent

| | |
|------|-------|
| Bell | Moore |
|------|-------|

Absent—Excused

| | |
|--------|---------|
| Fuller | Russell |
|--------|---------|

Question recurring on the amendment, it was adopted.

Senator Kelley of Hidalgo asked to be recorded as voting "nay" on the adoption of the above amendment.

Senator Hardeman offered the following amendment to the bill:

Amend H. B. No. 36, Section 2, Subsection (2), by inserting after the semicolon in line 41 the following: "provided, however, that all compensation proposed to be expended under this Subsection (2) shall be first approved in writing by the Legislative Audit Committee."

The amendment was adopted.

The bill, as amended, was passed to third reading.

House Bill No. 36 on Third Reading

Senator Kelley of Hidalgo moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 36 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

| | |
|-----------|-----------|
| Aikin | Carter |
| Ashley | Colson |
| Bell | Corbin |
| Bracewell | Hardeman |
| Bullock | Hazlewood |
| Carney | Hudson |

| | |
|-------------------|-------------|
| Kelley of Hidalgo | Nokes |
| Kelly of Tarrant | Parkhouse |
| Lane | Phillips |
| Lock | Shofner |
| Martin | Strauss |
| McDonald | Tynan |
| Moffett | Wagonseller |
| Moore | Weinert |

Nays—1

Vick

Absent—Excused

| | |
|--------|---------|
| Fuller | Russell |
|--------|---------|

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

| | |
|-------------------|-------------|
| Aikin | Lock |
| Ashley | Martin |
| Bell | McDonald |
| Bracewell | Moffett |
| Bullock | Moore |
| Carney | Parkhouse |
| Carter | Phillips |
| Colson | Shofner |
| Corbin | Strauss |
| Hazlewood | Tynan |
| Kelley of Hidalgo | Wagonseller |
| Kelly of Tarrant | Weinert |

Nays—5

| | |
|----------|-------|
| Hardeman | Nokes |
| Hudson | Vick |
| Lane | |

Absent—Excused

| | |
|--------|---------|
| Fuller | Russell |
|--------|---------|

Message From the House

Hall of the House of Representatives,
Austin, Texas,
March 28, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 46, Providing for acceptance by the Fifty-second Legislature of an oil portrait of Captain Audie Murphy, a native of Farmersville, Texas, to be hung in the State Capitol.

H. C. R. No. 40, Providing for the appointment of an interim committee for a study of the revision of Corporation Laws.

H. C. R. No. 39, Granting W. H. Hutchinson and wife permission to sue the State of Texas and the State Highway Department.

H. C. R. No. 38, Expressing the policy of the State of Texas on usage of State funds for the purchase of household furniture and furnishings for family dwelling units of officers and employees of the State.

H. C. R. No. 28, Granting R. E. Garber permission to sue the State.

H. C. R. No. 23, Granting The Fairmont Foods Co. permission to sue the State.

The House refused to concur in Senate amendments to House Bill No. 111 and has requested the appointment of a Conference Committee to consider the differences between the two Houses.

House has appointed the following committee to adjust differences between the two Houses on H. B. No. 111: Niemann; Osborn; Sewell; Wisener; Wood, C. W.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

Senate Resolution 124

Senator Phillips offered the following resolution:

Whereas, We are honored today to have in the gallery the Senior Class of East Bernard School, Wharton County, and Louis Neiser, Superintendent; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate, and that they be extended the courtesies of the floor for the day, and that each member of this class be furnished with a copy of this resolution.

The resolution was read and was adopted.

Resolutions Signed

The President signed in the presence of the Senate, after the caption had been read, the following enrolled resolutions:

S. C. R. No. 9, Granting George W. Soefje permission to sue the State.

S. C. R. No. 38, Invitation to Hon. Donald R. Wilson, Chairman of the American Legion's Foreign Relations Commission, to address a joint session of the Legislature.

Senate Resolution 125

Senator Ashley offered the following resolution:

Whereas, We are honored today to have in the gallery the Sixth and Seventh Grade Classes of Oak Hill School, of Travis County, accompanied by their teacher, Mrs. C. E. Boyd; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate, and that they be extended the courtesies of the floor for the day, and that each member of this class be furnished with a copy of this resolution.

The resolution was read and was adopted.

Senate Resolution 126

Senator Ashley offered the following resolution:

Whereas, We are honored today to have in the gallery the Eighth Grade of Burnet Junior High School, accompanied by their teachers, Mrs. Tarver, Mrs. Martin, and Mr. Evans; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate, and that they be extended the courtesies of the floor for the day, and that each member of this class be furnished with a copy of this resolution.

The resolution was read and was adopted.

Senate Concurrent Resolution 40

Senator Martin offered the following resolution:

S. C. R. No. 40, Suspending the joint rules relating to local and uncontested bills.

Whereas, In order to expedite the passing of numerous local and uncontested bills, both those originating

in the House and in the Senate, it is necessary to set aside a time for such and it is necessary to suspend the joint rules forbidding the consideration of each Houses' own bills on certain days; now, therefore, be it

Resolved, By the Senate, the House of Representatives concurring, that the joint rules 20 and 21 be suspended on Thursday, March 29, 1951, and any other day thereafter that either House should set aside for such a calendar.

The resolution was read.

On motion of Senator Martin and by unanimous consent, the resolution was considered immediately and was adopted.

Committee Substitute House Bill 426 on Second Reading

On motion of Senator Carney and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C. S. H. B. No. 426, A bill to be entitled "An Act making appropriations for the support and maintenance of the judiciary and the executive and administrative departments and agencies of the State of Texas, for the support, maintenance and improvement of the State hospitals and special schools and the institutions under the management and control of the Youth Development Council of the State of Texas, for the operation, maintenance and improvement of the several State institutions of higher education and certain other institutions and agencies and to supplement local funds for the support and improvement of the accredited public junior colleges of Texas for the biennium beginning September 1, 1951, and ending August 31, 1953; etc.; and declaring an emergency."

The bill was read second time and passed to third reading.

Committee Substitute House Bill 426 on Third Reading

Senator Carney moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. H. B. No. 426 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

| | |
|-------------------|-------------|
| Aikin | Lane |
| Ashley | Lock |
| Bell | Martin |
| Bracewell | McDonald |
| Bullock | Moffett |
| Carney | Moore |
| Carter | Nokes |
| Colson | Parkhouse |
| Corbin | Phillips |
| Hardeman | Shofner |
| Hazlewood | Strauss |
| Hudson | Tynan |
| Kelley of Hidalgo | Wagonseller |
| Kelly of Tarrant | Weinert |

Absent

Vick

Absent—Excused

Fuller

Russell

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Vote

Senator Hardeman asked to be recorded as voting "nay" on the final passage of C. S. H. B. No. 426.

Senate Resolution 127

Senator Kelly of Tarrant offered the following resolution:

Whereas, The Honorable Jesse E. Martin is a visitor in the Capitol today; and

Whereas, He served with honor and distinction as the Senator from Tarrant for eight years; now, therefore, be it

Resolved, That the Senate of the State of Texas extend a most cordial welcome to Senator Jesse E. Martin and that he be granted the privileges of the floor for the day.

The resolution was read and was adopted.

House Bill 11 on Second Reading

Senator Bullock asked unanimous consent to suspend the regular order of business and that H. B. No. 11 be laid out for consideration at this time.

There was objection.

Senator Bullock then moved to suspend the regular order of business

and that H. B. No. 11 be laid out for consideration at this time.

The motion prevailed by the following vote:

Yeas—25

| | |
|------------------|-------------|
| Aikin | Martin |
| Ashley | McDonald |
| Bell | Moffett |
| Bracewell | Moore |
| Bullock | Nokes |
| Carney | Parkhouse |
| Carter | Phillips |
| Colson | Shofner |
| Hardeman | Strauss |
| Hudson | Tynan |
| Kelly of Tarrant | Wagonseller |
| Lane | Weinert |
| Lock | |

Nays—4

| | |
|-----------|-------------------|
| Corbin | Kelley of Hidalgo |
| Hazlewood | Vick |

Absent—Excused

| | |
|--------|---------|
| Fuller | Russell |
|--------|---------|

The President laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 11, A bill to be entitled "An Act to amend Section 6 of Article 827a of the Penal Code of the State of Texas; repealing all laws and parts of laws in conflict herewith to the extent of such conflict only, and declaring an emergency."

The bill was read second time.

(Senator Moffett in Chair.)

Senator Bullock offered the following as Committee Amendment No. 2 to the bill:

Amend H. B. No. 11 by adding immediately following the words "authorized by law" first appearing in the second sentence of Section 1, the following: "plus a tolerance allowance of five percent of the gross weight authorized by law or a tolerance allowance of ten percent of the axle load authorized by law, respectively,".

The committee amendment was adopted.

Senator Bullock offered the following as Committee Amendment No. 3 to the bill:

Amend H. B. No. 11 by adding immediately following the words "By Law" at the end of the second sen-

tence of Section 1, the following: "plus such tolerance allowance. If it is found that the axle load only is excessive then the operator shall be required to unload such excess or to rearrange the load on such vehicle to reduce such axle load to the maximum authorized by law."

The committee amendment was adopted.

Senator Ashley offered the following amendment to the bill as a substitute for Committee Amendment No. 1:

Amend H. B. No. 11 by striking out in Section 1 the following language: "for the purpose of weighing said vehicle and load, where portable scales are not available for weighing on the spot." And also strike out of Section 1 the following: "the nearest place in the direction of destination where facilities for unloading and the care of such livestock are available for discharging such excess load" and inserting in lieu as follows: "to destination provided destination be within the State of Texas."

ASHLEY
HARDEMAN
HUDSON
HAZLEWOOD

The amendment was adopted.

Senator Lane offered the following amendment to the bill:

Amend H. B. No. 11 by adding thereto immediately following Sec. 1, three new sections to be numbered 1 (a), 1 (b), and 1 (c) respectively as follows:

"Section 1 (a). It shall be unlawful for any of the persons, officers or deputies authorized to enforce the weighing and unloading provisions of this Act, to accept or agree to accept any gift, emolument, money or thing of value, privilege or the promise of either, from any person, firm, corporation, association, partnership, or the officers, agents, servants, or employees thereof as an inducement to enforce or attempt to enforce the weighing and unloading provisions of this Act. Any person who violates the provisions of this section shall be guilty of a felony and upon conviction shall be punished as provided in Article 159, Penal Code of Texas.

"Section 1 (b). It shall be unlawful for any person, firm, corporation, association, partnership, or the officers, agents, servants or employees

thereof, to give, or offer to give or promise to give to any of the persons, officers or deputies authorized to enforce the weighing and unloading provisions of this Act any gift, emolument, money or thing of value, privilege, or the promise of either, as an inducement to enforce or attempt to enforce the weighing and unloading provisions of this Act. Any person who violates the provision of this section shall be guilty of a felony and upon conviction shall be punished as provided in Article 158, Penal Code of Texas.

Provided, however, if a corporation shall be convicted of a violation of any of the provisions of this section the penalty shall be a fine of not less than \$100.00 nor more than \$5,000.00 for each such offense.

"Section 1 (c). The inhibitions in Sections 1 (a) and 1 (b) above shall not apply to the regular compensation paid to such persons or officers by the state or a county of this state.

LANE
HARDEMAN

(President in Chair.)

Question—Shall the amendment by Senator Lane be adopted?

Message From the Governor

The following message received from the Governor today was read and was referred to the Committee on Nominations of the Governor:

Austin, Texas,
March 28, 1951.

To the Senate of the Fifty-second Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the State Board of Veterinary Medical Examiners for terms to expire January 17, 1953:

Dr. Henry K. Maier of Beaumont, Jefferson County;

Dr. Raymond Hander of Childress, Childress County;

Dr. Charles Koberg, San Angelo, Tom Green County;

Dr. R. L. Rogers, Jr., of Fort Worth, Tarrant County;

Dr. Paul M. Turman of Tyler, Smith County;

Dr. Edward P. Maddox of Weatherford, Parker County;

Dr. R. R. Childers of Jasper, Jasper County.

Respectfully submitted,

ALLAN SHIVERS,
Governor of Texas.

Adjournment

On motion of Senator Weinert, the Senate at 12:35 o'clock p. m. adjourned until 10:30 o'clock a. m. tomorrow.

In Memory of
Gail Quillian King

Senator Colson offered the following resolution:

(Senate Resolution 122)

Whereas, The illustrious career of Gail Quillian King of Crockett, Houston County, Texas, was closed by his death on May 4, 1950; and

Whereas, In the death of Mr. King, Texans witnessed the passing of one whose footsteps marked service and progress on every path he chose to travel; and

Whereas, Mr. King was born near Pilot Point, Texas, on November 5, 1876, and on October 24, 1901, was married to Miss Lucile Beasley, member of a pioneer Houston County family; and

Whereas, He was a zealous member of the Methodist Church and the Masonic Lodge; he lived and acted in his daily life the highest principles of Christianity and Methodism; and

Whereas, He was a man who was generously endowed by nature with a constructive mind and sympathetic understanding of others' problems; he dealt generously in all civic, religious and philanthropic enterprises; and

Whereas, He and his associates recognized the opportunity for industrial development and organized the Houston County Coal and Manufacturing Company, which became one of Texas' largest producers of lignite coal; and

Whereas, No problem seemed too large for his capacity nor too small for his painstaking attention, and it was generally known that he used his splendid talents unselfishly in advancing the public welfare; he could always be depended upon for wise and aggressive leadership. A pioneer in the road building program of his County and State, his boundless energy and determination enabled him to realize numerous other accomplishments of inestimable value to his fellowmen; and

Whereas, Mr. King is survived by his widow, one daughter, Miss Katy King, and two sons, R. L. King and G. Q. King, Jr., all of Crockett, Texas; and

Whereas, The State of Texas has sustained an irreparable loss in the passing from this earthly life of this good and great man who filled all the years allotted him with devoted service to his State, his family and his friends; now, therefore, be it

Resolved, By the Senate of the State of Texas, that we extend our sincere and heartfelt sympathy to his bereaved family; that we acknowledge his passing by directing that a copy of this resolution be spread upon the pages of the Journal as an expression of our respect; that enrolled copies of this resolution be sent to the members of his family; and that when the Senate adjourns today, it do so in solemn tribute to Gail Q. King, whose life and works will live long in the memory of this State and in the memory of his multitude of friends.

COLSON

The resolution was read and was adopted by a rising vote of the Senate.